Supreme Court, U. S.
JUN 16 1976
MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-1628

MARILYN THRELKELD, *et al., Appellants,*

v.

ROBBINSDALE FEDERATION OF TEACHERS, LOCAL 872,
Appellee.

On Appeal from the Supreme Court of Minnesota

APPELLEE'S MOTION TO VACATE AND REMAND

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PRESS OF BYRON S. ADAMS PRINTING, INC., WASHINGTON, D. C.

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The brief *amicus curiae* filed by the State of Minnesota sets out both: the intervening change in law which occurred between the entry of the Supreme Court of Minnesota's judgment appealed from and the filing of the Jurisdictional Statement; and this Court's precedents which dictate that in this situation the proper course is to vacate the judgment below and remand to the Minnesota courts with leave to the appellants to amend their pleadings, and with leave to the Minnesota courts to dismiss if the case is or becomes moot.

The appellee agrees with the position stated in the State's brief *amicus curiae* and therefore moves that the Supreme Court of Minnesota's judgment in this case be vacated and the matter remanded to the Minnesota courts with leave to the appellants to amend their pleadings and with leave to the Minnesota courts to dismiss if the case is or becomes moot.

Respectfully submitted,

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